

**Libby Area Technical Assistant Group, Inc.****PO Box 53****Libby, Montana 59923**ENVIRONMENTAL
PROTECTION AGENCY

SEP 23 2004

MONTANA OFFICE

September 21, 2004

Danette Quick
Grants Specialist
United States EPA
Region 8, Montana Office, Federal Bldg,
10 West 15th Street, Suite 3200
Helena, MT 59626

Dear Ms Quick:

Thank you for your letter regarding the LATAG application for year 2004/2005. We appreciate your concerns regarding the operations of LATAG, and specifically the Technical Advisor's position and responsibilities. Please refer to our revised LATAG Two Year Work/Operating Plan for 2004-2005 (attached).

We hope the following responses to your questions and concerns will clarify LATAG's position, direction, and operations, specifically to site-related documents and the public's understanding of the Libby area overall site conditions and decisions. Our responses are *italicized* after your specific concerns for clarification:

Scope and Purpose of the TAG

1. Page 4 of your application states, "If necessary employee [sic] the profession [sic] services of a management consultant firm that might address the overall expenditure of funds to ensure funds are going to direct cleanup as opposed to unnecessary overhead or design." Such an activity is prohibited under the terms of the grant.

We understand the scope of the LATAG and will comply. Previous discussions regarding EPA funds were based on community discussion and input, directly related to emotional outbursts and the psychological and social impact of EPA and their efforts towards the clean up. No activity other than public discussion has been directed by either the Technical Advisor or the Grant Administrator (paid positions) towards these activities.

2. The EPA Libby Team reports that recent TAG meetings have focused on non-technical issues such as wage rates, unique property owner complaints, personal accusations, and other non-technical issues. While other issues may be important, and EPA tries to be flexible as TAG groups change and mature, with this letter EPA again reminds you of the basic purpose and limitations of the TAG program.

We understand the scope of the LATAG and will comply. Previous discussions regarding EPA funds were based on community discussion and input, directly related to emotional outbursts and the psychological and social impact of EPA and their efforts towards the clean up. Recently LATAG has adopted an agenda format for all future meetings. The last two meetings have followed this agenda. It has come to the LATAG's attention that some community members feel that EPA and the CAG (community advisory group) have not met their needs regarding their unique property owner complaints. A form to streamline these complaints has been created by LATAG. (this is in direct response request to Jim Christianson's request.) This form and method is an in-process suggestion with EPA input, based on advisement by the Technical Advisor for EPA action.

3. How has the TAG attempted to engage the community at large? By what method did the Board present information to the community and gather the community's thoughts/concerns on EPA's December 2003 Technical Memorandum?

LATAG holds publicized public meetings at a minimum of once a month. These meeting state the when, where and what for all discussions. In addition, all public documents have been forwarded to the local EPA office; all requests for LATAG activities, direction and actions are forward to this office for our [Board] approved documents. LATAG is represented at the monthly CAG meetings, is placed on the Agenda if there is information to disperse to the public, TAG makes a report to the public. A member of LATAG is also present at the ARD Net meetings, which are held monthly, and again, if there is information to report the community is advised. LATAG is openly available to present to any organization their operations and projects.

In June of 2004, the LATAG completed a Draft Community Response Document" which addresses in detail a number of concerns the board has relating to the EPA Response Plan and Technical memorandum released by the EPA in December 2003.

The draft response document was reviewed and read by each board member and their comments were included in the document by the contracted Technical Advisor and the Executive Board, pending Board approval, accepted the draft document as complete on July 26, 2004.

We question the role of your current technical advisor and your stated need to hire additional technical consultants. Technical advisors should be able to provide the TAG, and hence the community, with unbiased, professional interpretations of site-related technical data and information. It appears your technical advisor has taken a different role which may be inappropriate.

Specifically:

1. Page 1 of your application states "...the following Draft Operating Plan was presented to the board by the Technical Advisor." This is inappropriate. Again, the purpose of the technical advisor is to provide technical interpretations and communications assistance. The TAG Board, with input from the community, should develop an operating plan, and assign tasks to the technical advisor accordingly.

Please see the attached revised Two Year Work/Operating Plan 2004 – 2005.

2. It appears that the current technical advisor drafted the current grant application. The application should come from the TAG Board, not the Technical Advisor.

Please see the attached revised Two Year Work/Operating Plan 2004 – 2005.

3. Page 4 of your application states "If necessary, engage a professional outside scientific consultant or list of scientific consultants that will assist—understanding of EPA risk assessment." It also states the intention to hire an additional contractor to handle public communications tasks. EPA acknowledges the complexity of the issues in Libby, and the need for an independent scientific review, the latter being the premise for the TAG program. EPA questions, then, what services your current technical advisor is providing. For instance, a basic understanding of, and experience with, EPA risk assessment and public risk communications would seem a reasonable prerequisite for a technical advisor, but your application shows an intention to seek other consultants in this regard. Overall, it appears the current technical advisor is functioning as a Board director, rather than a technical consultant. Such services are prohibited by the terms of the Grant.

Please see the attached revised Two Year Work/Operating Plan 2004 – 2005. LATAG is looking to possibly hire an additional contractor to handle "public communications tasks", this contractor would be assigned work regarding items #1 through #7 on page four of the Two Year Work/Operating Plan. I'm sure EPA can understand the role of the Technical Advisor would not include being a 'web master', writer and creator of quarterly news articles, and the creator of feature articles designed for magazines, etc. The EPA generates sufficient technical information for the Technical Advisor to review and present to LATAG. As you have stated above the complexity of issues may require an independent scientific review, and we appreciate EPA understanding the components of CERCLA law to reinforce this position.

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questioned - role
of TA is.*

4. EPA questions whether your technical advisor is unbiased. Being a local resident may prevent a technical advisor from offering purely technical interpretations of site-related data despite its advantages in terms of understanding local concerns and familiarity with the Libby project. Objective technical interpretations are critical to the TAG process.

When the previous LATAG Board hired the current Technical Advisor, I personally went to Jim Christiansen of EPA and asked, "What were you thinking because Gordon's presence at previous CAG meetings was that of someone uninformed?" Jim assured me that Gordon Sullivan would do an excellent job and to give him a

chance. Gordon is aware of this conversation and is aware of my opinion of him at that time; the issues have since been resolved. In hindsight, Jim Christiansen is right; Gordon - just his role. Gordon Sullivan has done his "homework" and followed through with LATAG requests. (Statement by Gayla Benefield, Chairman, LATAG.)

5. A contracted technical advisor does not have unilateral authority to expend funds and should not direct TAG activities. Therefore, if a sub-contract is established through the current technical advisor for communications activities, the TAG Board should retain responsibility for deciding on the tasks the sub-contractor will undertake. Again, we question why a separate technical consultant is necessary.

Please see the attached revised Two Year Work/Operating Plan 2004 - 2005. Contractually between the Technical Advisor and the LATAG Board there are deliverables. These deliverables are identified with a scope and presented for the Board for their approval with budgets, completion dates and any other Board expectations further enhancing the Board's position. A section was inclusive with the Technical Advisor Contract identifying penalties relative to budget and a timely deliverables. (This is reflected in the Technical Advisor contract sent to your office on July 27, 2004.)

We appreciate the understanding of EPA regarding the many changes in the LATAG Board; the emotional issues surrounding the community and the EPA clean up. LATAG - not what TAG has partnered with CARD, CAG and ARDNET to address the psych/social issues for the community. Unfortunately the organizations that were approached to help assist the formulation and function of this need have not recognized this need. This need is obvious as I am sure your local office can attest to. Regardless, LATAG will focus on the technical issues at hand, attempt to streamline our public communication activities and assist the public in contacting appropriate agencies as needed for their requirements. is for.

If you have any questions regarding the above information, or if you still have concerns regarding the year two disbursement of funds, please call me at 406-293-5535.

Sincerely,



Gayla Benefield
LATAG Chairperson

GB/cf

Two Year Work/Operating Plan 2004-2005

Libby Area Technical Assistance Group, Inc. Under Grant to United States Environmental Protection Agency Introduction

The Libby Area Technical Assistance Group, Inc. (LATAG) applied for and received a United States Environmental Protection Agency Technical Assistance Grant in March 2003, and has functioned under that grant since.

In June of 2003, the LATAG awarded a Technical Advisor's Contract to Mr. Gordon Sullivan dba/ Focal Point Inc.

In March of 2004 many of the board positions of the LATAG became open and over the following were filled with community leaders, a testament to the potentially powerful voices of the LATAG within the community of the Libby Superfund Site.

The new board of directors conducted business under the existing grant and has recorded several successful endeavors as their involvement in community participation grew and matured.

As one of their early directives the new board of the LATAG through sub contract with their Technical Advisor outlined a training process, which is designed to assist the board in their commitment to community service under the EPA Grant. The first introductory phase of that training took place in early April with the assistance of members of the grant administration staff of the EPA and the second leg of the training continued on July of 2004 when the board outlined its obligations and responsibilities as a 501C board and its accountability to the community it serves.

The following "Two Year Work Plan" was agreed upon and accepted by the LATAG board during training.

Libby Area Technical Assistance Group, Inc

Two-Year Operating Plan

Assisted by the accepted LATAG *Policy and Procedures* and with the direction of the LATAG contracted Technical Advisor, the full board accepts the following list of directives to be gainfully worked upon by the board or its assignees over the next two operating years covering the time between July 2000 to June 2005 when a replacement work plan will be drafted and presented to the full board for its consideration. During quarterly training sessions the board will review the content and purpose of the Work Plan and at that time offer addendums or changes to the assigned directives should those become necessary during the course of doing business under the accepted work plan.

Community Comment:

In June of 2004, the LATAG completed a Draft Community Response Document" which addresses in detail a number of concerns the board has relating to the EPA Response Plan and Technical memorandum released by the EPA in December 2003.

The draft response document was reviewed and read by each board member and their comments were included in the document by the contracted Technical Advisor and the draft document was accepted as complete on July 26, 2004.

A number of directives flow from the presentation and completion of the LATAG.

2004 Community Response Document community comment, which include:

Finalize the Community Response Document and formally present to the EPA Region Eight for its response.

Stimulated by the concerns outlines in the Community Response Document engage in a proactive discussion conducted on a formal basis with the EPA managers and support personnel to address each of the concerns set forth in the LATAG document.

Provide leadership for the EPA and its contractors as to the community's concerns over cleanup standards, assessed risk, operations and maintenance and the future of the Libby Asbestos Site.

Put into place a formal process by which the member of the Libby Community can, through the LATAG, bring their concerns forward to the EPA managers in order to have their voices heard at a decision making level.

Continue to function as a technical response for the Libby community with regards to operations at the Libby Asbestos Site.

Continue to operate at the highest level with regard to public involvement and participation in EPA and Volpe Center decision-making.

On a regular basis prepare and present response documents to the EPA addressing the Libby Community's concerns, recommendations and observations relating to the cleanup process underway within the community.

Read and respond to all EPA documents, reports, technical memorandums produced for release within the Libby Asbestos Site.

**Proactive Engagement in the establishment and implementation
of a new Risk Assessment Model specific to Libby Amphibole Asbestos.**

Prepare an initial response document outlining the Libby community and LATAG understanding about the present risk assessment tools employed at the Libby Asbestos Site.

Present a response document to EPA risk managers prior to the LATAG's attendance at the scheduled "Risk Assessment" meetings to be held in Region Eight offices of EPA in Denver. Prepare a formal interaction between the Center for Asbestos Related Disease (CARD) and the LATAG as it relates to existing cancer numbers and cancer types.

Include CARD information as baseline information in support of LATAG present and future positions on risk assessment.

Chair and educate "LATAG Risk Assessment Team" prior to attendance at the Denver meetings.

Prepare and present a follow-up response to the findings associated with risk assessment and prepare for the furtherance of LATAG education either by outside consultation or with the help of the risk assessment management team at Region Eight.

Review and make formal response to any and all publicly released information produced by the EPA that in any way relates to assessment of risk on the Libby Asbestos Site.

Engage in a formal and meaningful dialogue with EPA managers relating to the subject of risk assessment.

If necessary, engage a professional outside scientific consultant or list of scientific consultants assisting the Libby Community and the LATAG in the understanding of EPA risk assessment.

If necessary, employ the services of an outside consultant that might will further evaluate the extent of cleanup work preformed at the Libby Asbestos Site in the event the community suspects material is left in place that will heighten the potential or future or present exposure and therefore the overall risk associated with the EPA process.

Through the comprehensive understanding of the EPA process of risk assessment and management prepare a public communication and education outreach program relating to the findings.

Continue to promote and attend meetings and training programs relating to risk assessment either sponsored by the EPA or other outside agencies.

Public Communications and Education on technical matters surrounding the Libby Asbestos Site.

The LATAG board will put into place a serviceable Communications Division under the oversight of a sub chairperson from LATAG Board. The communications sub chairperson will serve in an advisory capacity to LATAG in matters of public communication and assist in the Technical Advisor's deliverables.

The communications sub chairperson will answer to the LATAG and will be award specific task hours in which to accomplish assigned work. Such work will include:

- Prepare an informative and interactive Web Site addressing technical subjects surrounding both the cleanup process and the advancement of risk assessment.
- Development of quarterly news articles to appear in two local newspapers on a regular basis, addressing technical information about the Libby Asbestos Site and its cleanup process.
- Create and publish a series of technical feature articles designed for magazines, newspapers etc. relating to the cleanup process underway in Libby.
- Develop a series of public power point presentations on technical subjects involving either work in progress or risk assessment.
- Work with the Technical Advisor on the development of a long term communications plan that will follow the project to Operations and Maintenance.
- Edit and review (grammatically) all technical documents produced by the Technical Advisor over the course of his/her contract.


Ms. Gayla Benefield, Chairperson LATAG

Date: Sept 21, 04